HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24218 of 2006

Dated:22.11.2006

Between:

B.A.N.Mohana Rao.

…Petitioner

and

The District Collector and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24218 of 2006

ORDER:

The petitioner filed the instant writ petition seeking a writ of mandamus declaring the action of respondents 3 and 4 in prohibiting registration of the documents pertaining to the land admeasuring Acs.260.99 square yards in Plot No.C-32 in Survey No.313/1 of Kapuluppada Village, Satellite Town ship Layout, Bheemunipatnam Mandal in Visakhapatnam District, by invoking powers under Section 22-A of the Registration Act, 1908, as amended by Registration (A.P.Amendment) Act, 1999 (for short 'the Act'), vide G.O.Ms.No.1000, dated 01.10.2003, as unconstitutional and *ultra vires*. The petitioner also seeks a consequential direction to respondents 3 and 4 to register the documents presented by him in respect of said land.

It is brought to the notice of this Court that this Court by order dated 29.09.2006, while disposing of W.P.No.21333 of 2005, has already set aside G.O.Ms.No.1000, dated 01.10.2003.

In view of the above, this Writ Petition is disposed of directing respondents 3 and 4 or any other Registering Officer to accept the documents presented by the petitioner and consider the same for registration. Be it noted, if for any reason, the documents presented are not registered, it is incumbent on the part of the Registering Officer

to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioner has any grievance, he may file appeal before the Appellate Authority under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioner can file a suit under Section 77 of the Act.

Learned Assistant Government Pleader brought to the notice of this Court that the subject land is classified as Vagu as per the impugned Government Order. Therefore, while considering the documents for registration, the fourth respondent or any other Registering Officer should keep the same in mind.

The Writ Petition, subject to the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

22.11.2006

Note: Issue C.C by 27.11.2006.

B/o.

vs